HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.15082 of 2006

Date : 28-07-2006

Between:

K. Thomas

… Petitioner/s

and

District Cooperative Central Bank Limited,
Kurnool, rep.by its General Manager,
Kurnool.

…Respondent/s

HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.15082 of 2006

O R D E R :

This writ petition is filed seeking Mandamus declaring the action of the respondent in not passing orders as per Clause (XI)(b) of para-6 of Bipartite Settlement dated 15-6-1997 consequent to Board Resolution 9, dated 30-12-2004 in respect of the period of suspension of the petitioner, as arbitrary and illegal, and further direct the respondent to pay the said amounts as per the above said clause of the Award dated 15-6-1997.

It is the case of the petitioner that he joined into service of the respondent Bank on 7-11-1966 as Supervisor and retired from service on 30-6-2004. According to the petitioner, while working as Supervisor in the respondent Bank, he was suspended on 10-6-1979 on the ground of misappropriation funds. Since the domestic enquiry proceedings could not be issued for about three years, he was reinstated into service on 3-2-1982. Subsequently, the petitioner retired from service on 30-6-2004. Thereafter, the enquiry officer, who conducted the domestic enquiry, submitted his report on 15-9-2004 holding the charges not proved. Accordingly the Board of Directors of the respondent Bank vide Resolution No.9 in their meeting held on 30-12-2004 resolved to drop the charges against the petitioner and the same has become final.

It is the case of the petitioner that in spite of the findings of the enquiry officer, which was accepted by the Board of Directors of the respondent Bank, the petitioner was not paid the salaries and other benefits. In spite of the petitioner making several representations to the respondent Bank for payment of salary and other service benefits, there was no response from the respondent Bank. Hence the present writ petition.

Learned counsel for the petitioner contends that the service conditions of the petitioner are governed by the Bipartite Settlement under clause (xi)(b) of the Award dated 15-6-1997, and in view of the above said provision, the petitioner is deemed to be in service during the period of suspension and, as such, he is entitled for full wages and other privileges for the period of suspension.

Heard learned counsel for the petitioner and the learned standing counsel for respondent.

Instead of keeping the writ petition pending, I deem it appropriate to dispose of the writ petition directing the respondent to consider the representation of the petitioner in the light of the Board resolutions and the Bipartite Settlement in Award dated
15-6-1997 and pass appropriate speaking orders, expeditiously, within a period of two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J

28-07-2006.
Msr.

HON'BLE SRI JUSTICE N.V. RAMANA

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28-07-2006
(Msr)